GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Allegation of corruption against Sri Thota Prabhakar Rao, Junior Assistant (U/s), formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District – Trapped on 04.02.2006 - Case entrusted to Tribunal for Disciplinary Proceedings for enquiry - Report Received - Accused officer found guilty - Examined - Imposition of Punishment of Dismissal from service under the Provisions of clause (1) of Rule 25 of Andhra Pradesh Civil Services (CC& A) Rules, 1991 read with G.O.Ms.No.2, General Administration (Ser C) Department, dated 04.01.1999 -Orders Issued – Orders of Hon'ble High Court of Andhra Pradesh in W.P.No.11399/2013, dated: 10.05.2024 – Cancellation of dismissal orders – Reinstatement into service – Orders – Issued.

LAW (L, LA &J-HOME – COURTS-B) DEPARTMENT

G.O.MS.No. 117 Dated: 25-09-2024

Read the following:-

1. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, Final Report Letter No.28/RCT-VKI/2006-59, dated.02 11.2006
2. Govt. Letter No. 190/SC.B/A2/2006-1, dated 14.03.2007
3. From the Secretary, Tribunal for Disciplinary Proceedings, Lr. Dis. No.S/2/2011, Tec. No.21 of 2007, dated 31.01.2011
4. Govt. Memo No.190/SCB/A2/2006, Dt 15.02.2012.
5. Explanation received from Sri Thota Prabhakara Rao, Junior Assistant. formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District, dated 29.03.2012.
6. G.O.Ms.No.21, Home (SC.B, LA & J) Dept., dt.28.01.2013.
7. Orders dt.10.05.2024 in W.P.No.11399/2013 from the Hon'ble High Court, Andhra Pradesh Nelapadu.

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ORDER:-

In the reference 1st read above, the Director General, Anti Corruption Bureau, Andhra Pradesh, has recommended to place the Accused Officer Sri Thota Prabhakara Rao, Junior Assistant (under Suspension), formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District, on his defense before the Tribunal for Disciplinary Proceedings for enquiry on the allegation of corruption.

2 In the reference 2nd read above, orders were issued entrusting the case of Sri Thota Prabhakara Rao, Junior Assistant (U/s) formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District, on the allegation of corruption to Tribunal for Disciplinary Proceedings, for enquiry and report.

3. In the reference 3rd read above, the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad, has furnished Enquiry Report in Tec. No.21/2007, conducted by the II Member, of Tribunal for Disciplinary Proceedings against Sri Thota Prabhakara Rao, Junior Assistant, (U/s) formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District. The II Member of Tribunal for Disciplinary Proceedings, in his findings has submitted that the prosecution has proved the guilt of the Charged Officer beyond all reasonable doubt and therefore, the Charged Officer is found guilty of the charges framed against him under Rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 read with Rule 2 (b) of the Andhra Pradesh Civil Services (DPT) Rules, 1989, framed under the Andhra Pradesh Civil Services (DPT) Rules, 1960 as amended in 1993.

4. In the reference 4th read above, while enclosing a copy of the Report in Tec No. 21/2007, the Charged Officer Sri T Prabhakara Rao, Junior Assistant (u/s) formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District, was requested to submit his explanation under Rule 6 (2) (b) of Tribunal for Disciplinary Proceedings, Rules on the findings of the II Member of Tribunal for Disciplinary Proceedings, to Government for taking further action in the matter.

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5. In the reference 5th read above, Sri Thota Prabhakara Rao, Junior Assistant, (U/s) formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District, has submitted his explanation wherein he has stated that he was unnecessarily made as a scapegoat in this false case and he has been under prolonged and continued suspension ever since 04.02.2006, i.e, since the last 6 years and odd because of this foisted ACB trap case and requested to kindly consider his explanation and provide him justice and solace by dropping all further action in pursuance of the report of the Hon'ble Tribunal for Disciplinary Proceedings, and thus save him and his innocent members of family, he shall be ever remain.

6 In the reference 6th read above, the Government have been imposed the punishment of "dismissal from service" against the Charged Officer Sri Thota Prabhakara Rao, Junior Assistant (U/s), formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District, with immediate effect in terms of Clause (1) of the Rule 25 of the Andhra Pradesh Civil Services (Control Classification and Appeal) Rules, 1991, read with orders issued in G.O.Ms.No.2, General Administration (Ser C) Department, dated 04.01.1999, since the Tribunal for Disciplinary Proceedings, held that charge framed against the Charged Officer as proved the guilty beyond all reasonable doubt in Tec No. 21/2007.

7. In the reference 7th read above, the Hon'ble High Court of Andhra Pradesh while disposing the WP No.11399/2013 filed by Sri T. Prabhakara Rao with a direction to the respondents to the punishment of removal from service as grossly disproportionate and thus set aside the impugned proceedings. The petitioner shall be reinstated into service within a period of eight weeks from the date of receipt of this order and it is made clear he shall not be entitled for any back wages. The period during which he was not been in service shall be treated as diese non.

8. Government after careful examination of the matter, have decided to implement the orders of the Hon'ble High Court of Andhra Pradesh and hereby order to cancel the dismissal orders issued vide G.O.Ms.No.21, Home (SC.B, LA & J) Department, dated. 28.01.2013 and reinstate Sri Thota Prabhakar Rao, Junior Assistant formerly at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District into **service w.e.f. 04.02.2006 and the period from 04.02.2006 to before the date of his joining into service shall be treated as dies-non and he shall not be entitled for any back wages for that period.**

9. The District Sessions Judge, Machilipatnam, Krishna District shall take further necessary action in the matter and compliance to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.SUNITHA
SECRETARY TO GOVERNMENT (FAC)
LEGAL &LEGISLATIVE AFFAIRS AND JUSTICE

To
Sn Thota Prabhakara Rao, Junior Assistant (U/s), formerly
at 1st Additional Chief Metropolitan Magistrate Court, Vijayawada,
Krishna District, (Through the District Sessions Judge, Machlilipatnam, Krishna District)
The District Sessions Judge, Machlipatnam, Krishna District.

Copy to:-
The P.S to Secretary to Government (FAC) Law Department.
The Registrar (Vigilance), High Court of Andhra Pradesh, Nelapadu.
The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.
The Andhra Pradesh Vigilance Commission, 5th Building, Upstairs, Andhra Pradesh, Secretariat, Velagapudi.
The Commissioner of Printing Stationery and Stores Purchase, Mutyalampadu, Vijayawada (with a request to publish the Notification in the EO Gazette)
The Registrar, General Administration (COI-R) Dept., 5th building upstairs, A.P. Secretariat, Velagapudi.
The 1st Additional Chief Metropolitan Magistrate Court, Vijayawada, Krishna District
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER